UNITED NATIONS

A

General Assembly

Distr.
LIMITED

A/C.3/50/L.49
5 December 1995

ORIGINAL: ENGLISH

Fiftieth session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Costa Rica, Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Monaco, Panama, Paraguay, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa and Sweden: draft resolution

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 48/137 of 20 December 1993, and taking note of Commission on Human Rights resolution 1995/41 of 3 March 1995 on human rights in the administration of justice, in particular of children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 2/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

---

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/ the International Convention on the Elimination of All Forms of Racial Discrimination 4/ and the Convention on the Rights of the Child, 5/

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women, 6/ in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Recognizing that the rule of law and the proper administration of justice are important elements for sustainable economic and social development and play a central role in the promotion and protection of human rights,

Welcoming the important work of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Welcoming also Commission on Human Rights resolution 1995/36 of 3 March 1995, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Welcoming further the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected, inter alia, in Economic and Social Council resolutions 1995/13 of 24 July 1995, on United Nations standards and norms in crime prevention and criminal justice, and 1995/15 on technical cooperation and interregional advisory services in crime prevention and criminal justice,

Emphasizing the importance of coordinating the activities in this field carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

---

3/ Resolution 39/46, annex.

4/ Resolution 2106 A (XX), annex.

5/ Resolution 44/25, annex.

6/ Resolution 34/180, annex.

Noting that many human rights violations in the administration of justice are specifically or primarily directed against women and that the identification and reporting of those violations demand special vigilance,

Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Acknowledges that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to democratization processes and sustainable development;

3. Reiterates, once again, its call on all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of those standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Invites Governments to provide training in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;

6. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance, in order to strengthen national capacities and infrastructures in the field of administration of justice;

7. Urges the Secretary-General to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

8. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice, with a view to ensuring the promotion and protection of human rights in the administration of justice;

9. Calls upon Special Rapporteurs, Special Representatives and Working Groups of the Commission on Human Rights to continue to give special attention

to questions relating to the effective protection of human rights in the administration of justice and to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures of advisory services and technical assistance;

10. Acknowledges the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

11. Invites the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

12. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution, including information on the various forms of assistance provided by the United Nations system, at the request of Governments, in the field of administration of justice;

13. Decides to consider the question of human rights in the administration of justice at its fifty-second session under the item entitled "Human rights questions".